

Opening statement for Minister for Committee Stage of The Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022

15th June 2023

I would like to thank committee members for giving me the opportunity to present The Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Bill 2022 at Committee Stage. This Bill is extremely important and will change the culture in our health services.

I want to acknowledge the broad support it has received at First and Second Stages.

The Human Tissue Bill is a composite piece of legislation that includes provisions on

- Organ donation and transplantation,
- Post-mortem practices and procedures,
- Anatomical examination, and
- Public display of bodies after death.

The Bill seeks to embed in legislation the idea that consent is the defining principle in these matters while also introducing a statutory framework for consent to organ donation with

the aim of making organ donation the norm when individuals pass away in circumstances where donation is possible.

The Bill also includes provisions in respect of storage, handling, transportation, disposal or return of organs, tissues, or body parts. The aim is to ensure that these will be undertaken with due regard to the dignity, bodily integrity, and privacy of the deceased.

As you will be aware, Cabinet approval for publication of the Bill was given on 29 November 2022 and the Bill was subsequently published on 20 December 2022. The Bill passed Second Stage debate on 24 January 2023

Today I would like to outline several amendments, some of which were part of the Government decision when the Bill was approved in November 2022, which will ensure the proper functioning of the legislation in line with the policy objectives for the Bill. I will outline the detail of the amendments as they arise during our scrutiny of the Bill.

I wish to flag several amendments that I will be introducing at Report Stage. Firstly, I intend to amend the Coroners Act to provide for the regulation of the retention, storage, use, disposal and return of organs and tissue from deceased persons following all post-mortems in hospital settings,

including those directed by a coroner. This will improve communication with families and address issues with regard to material removed and retained by providing parity of regulation for the management and final treatment of material retained from post-mortem examinations in line with clinical practice and updated HSE National Clinical Guidelines for Post Mortem Examination Services (2023).

Secondly, I propose bringing amendments to expand HIQA's role to include monitoring of regulations for post-mortem examinations that take place in locations other than hospitals, such as the Dublin City Mortuary. This will be by making several amendments to Section 52 of this Bill, which will in turn amend the Health Act 2007.

I will be making an amendment to the Health Act 2004 to expand protected disclosure provisions to HIQA to include disclosures made to the Authority relating to its role to monitor compliance with regulations under the Human Tissue Bill and the Coroners Act.

Finally, I will be bringing an amendment to reflect changes relating to the legal framework of capacity and consent brought in by the commencement of The Assisted Decision-Making Capacity (Amendment) Act 2022.